

MANY REPORTERS WORLDWIDE FACE PRISON FOR CRITICIZING LEADERS

**By
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WASHINGTON, SEPTEMBER 27 -- Press freedom advocates are expressing concern that many governments worldwide are jailing reporters on specious charges of defaming or insulting heads of state.

The Virginia-based World Press Freedom Committee says that defamation of a public official remains a crime in dozens of countries, including in several democracies, "where legislators should know better than to allow such poor examples to exist." The committee said countries where defamation laws are in effect include Russia, Ethiopia, Cambodia and Tajikistan.

The situation is particularly acute in Venezuela. The Virginia press group said in a report released in April that Venezuelan criminal code "reforms" that took effect in 2005 stiffened penalties for defamation of the country's president, attorney general, National Assembly legislators and senior military leaders. Penalties for defamation increased from a maximum of 30 months in prison to a new maximum of four years' imprisonment if the defamation is made in a document distributed to the public.

Javier Sierra, the World Press Freedom Committee's projects director, told USINFO that Venezuela has "a new set of very severe criminal defamation laws which they use very often." (See related article (<http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2007&m=August&x=200708311549421xeneerg8.655947e-02>).)

The laws were used, for example, to sentence Venezuelan journalist Julio Balza in 2006 to almost three years in prison and a fine of about \$15,000 for "continuous aggravated defamation" against a government minister of infrastructure. Balza had criticized the minister's job performance following a bridge collapse outside the Venezuelan capital, Caracas.

The New York-based Committee to Protect Journalists (CPJ), in denouncing defamation charges against journalists in Venezuela, cited the 2005 case of Henry Crespo, a reporter for the Caracas-based weekly Las Verdades de Miguel. Crespo was sued by the governor of the Venezuelan state of Guárico for "aggravated defamation" after the reporter wrote about government corruption and human rights violations in that state. Crespo was given a suspended sentence of 18 months in prison.

The CPJ said that "for a Venezuelan public official to criminally prosecute a journalist for criticizing his conduct in office is a serious abuse of power that sends a chilling message to all Venezuelan journalists."

NEGATIVE EFFECT ON NEWS REPORTING, FREEDOM OF SPEECH

Thomas Melia, deputy executive director for the independent group Freedom House, told USINFO that "insult laws" and other provisions against press freedom "effectively bar journalists from

doing what journalists do" in reporting the news. Such provisions, he said, "constitute a growing problem in inhibiting freedom of expression in many parts of the world."

Melia said "American diplomacy" and the "assistance efforts" of nongovernmental organizations "clearly have more to do to draw attention to the importance" of allowing the press to criticize heads of government and of building "legal environments" to protect journalists.

Libel and insult laws and alleged defamation of heads of state are issues that arise in U.S. human rights reports each year, said Melia. American embassies should move these issues to the top of their human rights agenda because they involve "stifling free speech, analysis and public discussion," Melia said.

Melia is a regular speaker at the U.S. State Department's Foreign Service Institute, which provides training for officers and support personnel of the U.S. foreign affairs community.

U.S. PROTECTION FOR JOURNALISTS

A landmark 1964 U.S. Supreme Court decision involving a civil rights case helped strengthen freedom of the press in the United States by introducing the idea of malice as a requirement for libel suits against public figures.

That case (*New York Times Co. v. Sullivan*) involved a ruling that conformed with the free press guarantees of the First Amendment to the U.S. Constitution. The court held that the First Amendment protects the publication of all statements, even false ones, about the conduct of public officials, except when statements are made with "actual malice" (with knowledge that they are false or in reckless disregard of their truth or falsity).

Following that Supreme Court decision and other subsequent rulings, plaintiffs in defamation cases rarely have prevailed in the United States because of the extremely high burden of proof needed to show a writer's alleged malicious intentions.

Before that 1964 decision, the Supreme Court had refused to use the First Amendment to protect the media from libel lawsuits. These lawsuits were based on the publication of false information that damaged a person's reputation.

Hugo Black, who joined with the other eight Supreme Court justices in ruling in favor of the *New York Times*, said the United States could "live in peace without libel suits based on public discussions of public affairs and public officials. But I doubt that a country can live in freedom where its people can be made to suffer physically or financially for criticizing their government, its actions, or its officials."

See more about freedom of the press (http://usinfo.state.gov/dhr/democracy/rule_of_law/press_freedom.html), and the 1964 Supreme Court case in "Landmark Decisions (<http://usinfo.state.gov/journals/itdhr/0405/ijde/decisions.htm>)" on the USINFO Web site.

The full text (<http://www.wpfc.org/Resources.html>) of the World Press Freedom Committee's report is available on the organization's Web site.

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